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Japan and the Peace Pact

*With Special Reference
to Japan's Reaction
to
Mr. Stimson's Note
Regarding the Pact*



BY
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This is the unabridged address broadcasted over the Columbia System, New York, on the evening of August 20, 1932. The author was kindly given the privilege of more time than is usually allowed to a speaker. But in limiting himself to twenty-six minutes, he was obliged to omit several phrases which are included in the present brochure, and which will, he hopes, make his meaning clearer.

Ladies and Gentlemen :

ALLOW me to state at the outset that I propose to speak this evening in a wholly private capacity on a certain phase of the foreign relations of Japan which must be of special interest to the American public—namely, on Secretary Stimson's Note regarding the Treaty for the Renunciation of War, or the so-called Briand-Kellogg Pact, otherwise known as the Non-War or Peace Pact. I shall confine myself to Mr. Stimson's Note, with no reference to the so-called Hoover Doctrine which the President himself enunciated and which strikes me as somewhat different from Mr. Stimson's.

When the Peace Pact came up for discussion in the Japanese Diet during its session of 1929, there was a heated debate as to the incongruity of Monarchical Japan's subscribing to a Treaty which began with the words, "In the name of the people." This phrase bears more than one interpretation, and, in whatever way it is interpreted, does not affect the contents and substance of the Treaty. It finally passed the Diet with a proviso that the said phrase was not to be understood, as far as Japan was concerned, in a literal sense.

When, a few weeks later, the same Treaty was presented in the Privy Council, which is our highest consultative body on matters of international relations, only one member, a jurist of high standing, raised the question whether a reservation had been made regarding Manchuria. It was answered that there could be no fear on that score, since some governments had already made reservations implying the non-application of the Pact in certain spheres of interest, not even specified. The Japanese Government, therefore, took it for granted, that in those regions where she had paramount and vital interests, she, too, would naturally be exempt from the obligation of the Non-War Pact.

It was not, however, solely implicit faith in the fairness of other Powers that led the Japanese Government to accept the Treaty in good faith. Tokyo had previously corresponded with Washington as to the legitimacy and right of self-defense.

Mr. Kellogg himself said that "there is nothing in the American draft of an Anti-War Treaty which restricts or impairs the right of self-defense. The right is inherent in every sovereign state and is implicit in every treaty." He added that "each state alone is competent to decide whether circumstances require recourse to war in defense." As to what constituted self-defense, the answer was given by Mr. Elihu Root, who, in speaking of the Monroe Doctrine, defined it as "the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect." Another high American authority on international law, Professor Bassett Moore, a former justice of the World Court, compares self-defense to what is known in private law as "the abatement of nuisance."

Mr. Stimson disposes of the subject of self-defense, which he calls "the only limitation to the broad covenant against war," rather summarily by stating "its limits have been clearly defined by countless precedents," suggesting no new doctrine on this point and approving of "countless precedents," many of which are of notoriously ambiguous nature and open to dubious interpretation. Still he seems to rely for facts substantiating self-defense on the "journalistic condition of today." Yet how misleading journalistic reports are is a matter of common knowledge. The information obtained through the "Black Chamber," where were decoded the secret telegrams of friendly foreign powers to their representatives in Washington, served the State Department, until a few years ago, more than the press. With all my respect for the journalism of today, may I not say that whoever builds his policy on newspapers builds only a house of paper? It scarcely seems fair that Japan's reasons for self-defense are misconstrued, doubted and ignored. Is self-defense legitimate **only** in cases of attack by force? Is there to be no defense against personal insults, against wholesale violations of treaty rights, against an uncontrolled menace to life and property? Is national honor incapable of defense? Is there no defense against the boycott, which, when America suffered in 1905 at the

hands of the Chinese, the State Department stigmatized as "a form of coercion designed to blackmail concessions out of our (American) country, a conspiracy in restraint of our trade, a treaty violation and an hostile act, carried on under official guidance"? If, as Leibnitz said, "absence of war is not peace," neither does the absence of warlike measures always spell peace. A sword wrapt in brocade is still a sword. Boycott, when it assumes the form, or attains the proportion that it does in China, is practically, and not rhetorically, warfare. It even resorts at times to the free use of physical violence. Mr. Castle has rightly compared an official boycott to "gas attack from the air on undefended cities and towns."

If boycott is not immediately as bad as open warfare, there is little doubt that it is a sure step toward war. "If there is anything more likely to lead to war than a blockade," says an eminent statesman of this country, "I have yet to hear of it." Boycott is war in its incipient stage.

A voluminous report has recently come from the press of the Kiel University, which shows how interdependent and mutually supporting nations are—that trade is the life-blood of nations. This is most emphatically true of a nation like Japan, which has a large population and a small extent of arable land. Industries and trade keep alive more than half of our 65,000,000, in a country smaller than California. If a Chinese army should invade our territory they might slaughter thousands; but if the Chinese people resort to a boycott, they can starve millions. Is the man with a sword always an aggressor and the man with a plow the aggrieved? A child reading Shakespeare can tell which is the greater offender: Othello with his dagger or Iago with a dainty handkerchief and an evil tongue.

If we would outlaw war, we must outlaw war in all its forms, with or without weapons. We must indeed define war itself. And if we would resort exclusively to pacific means for settlement of disputes, we must exclude from them means that are to all intents and purposes warlike. If we would punish

an aggressor, we must take into account other criteria than the mere use of arms. War is a serious, not infrequently a fatal, disease of the body politique and it cannot be cured by plaster of Paris. Indeed, tinkering with paper remedies may aggravate it.

Moreover, is it fair to bind a signatory to a treaty by interpreting it in a way of which it was not warned and to which it may not have consented? The Peace Pact was signed August 27, 1928. Three years and a half later, namely on January 8, 1932, Secretary Stimson comes out with a sudden declaration of the Non-recognition Doctrine and claims for it canonical authority. Seven weeks later (February 23rd) he amplifies the explanation, and then in a recent speech in New York (August 8th) he expands the interpretation of the Pact, drawing from its text consequences which were not explicitly contained therein—namely, that no country should “recognize any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris.”

From the context in his speech and from the circumstances closely connected with his repeated declarations, it is pretty clear that Secretary Stimson intends to apply this new doctrine to Japan with reference to Manchuria. Can it exercise a retro-active power and be applied to the Manchurian situation, which took place nearly half a year before his declaration? Suppose it can be argued that it can be legitimately applied to Manchuria, the true lovers of peace, those who would realize lasting peace on earth, would think twice and thrice before putting it to that test. In the early days of the League of Nations, the Council was exceedingly chary of taking up large questions for settlement, for they had to proceed most cautiously with the infant institution. The success of the League may be largely attributed to the gradual accretion of confidence and power—even to its hesitation to confront the major problems of world politics. Remember, for instance, how the Assembly declined to discuss the Tacna-Arica dispute

in 1921. I, for one, shall be most sorry to see the Kellogg Pact fail utterly or function lamely in its first contact with a live problem. I have faith in its ultimate triumph, but triumph cannot be forced by hair-splitting legal interpretations. Triumph can come only as a moral suasion befitting a real situation.

Mr. Stimson shows his noble idealism in looking to the sanction of public opinion for the success of the Non-War Pact. He wisely addresses himself to the League and to the public, and waxes eloquent on this theme, the force of public opinion; and he will have, and should have, the support of all right-thinking and right-feeling men and women throughout the world. But the world as a whole is not yet advanced enough to accept and abide by his interpretation. Rome was not built in a day, though the warlike materials out of which it was reared were near at hand. To build a city of peace, one must begin with quarrying stones and baking bricks.

The Non-War Pact is certainly a gigantic stride toward the realization of world peace. The ideals of the Pact must be developed and the Pact itself should be clarified and implemented. The signatories are committed to "put teeth" into it. But I fear that it will be some time before the dental operation is completed, and if we hurry the process we shall get only artificial teeth, ill-fitting and easily broken, needing to be mended over and over again. Am I too cynical in thinking that the nations are paying only lip-service to the Peace Pact, that they are still thinking of it in terms of war? Their conception of peace is martial. They do not as yet free themselves from war mentality. That I am not cynical is testified by disarmament conferences, and even by pacifists whose psychology is militant. Call it economic sanction, call it coercion by the "severance of all trade and financial relation," "prohibition of intercourse among nationals"—all these are war measures, punitive to the "aggressor" and provocative of further aggression on the part of the so-called "covenant breaking state" in the name of self-preservation. For, before the urge of self-preservation, all peace functions will stagger.

An energetic nation asserting its right to live, when its claims are contested or resisted, will assert itself the more vehemently if for no reason than dire need or desperation. No people will commit suicide in order to uphold a clause in a treaty. Individuals may, but nations will not offer themselves for martyrdom for an interpretation of a pact. Any engagement that overlooks the realities of life cannot be final, though it may be imposed for a while. Germany, crushed to earth by the Versailles Treaty, will, in a generation, tear that document to pieces, like a "mere scrap of paper." The Jewish race, persecuted, exiled and slaughtered, still thrives like a chosen child of God, while their persecutors have vanished from history. Unless the world takes cognizance of a nation's will and right and power to live, and opens the way for her to live, I fear that all treaties and agreements will prove futile as a means of insuring lasting peace. All theories are powerless when confronted by facts. Japan's advance—not necessarily by military methods, I should say—in search of a life-line, is as irresistible an economic force as the westward march of the Anglo-Saxon empires. We, therefore, admire Mr. Roosevelt's far-seeing statesmanship, when he favored Japanese expansion in Manchuria and cautioned his official successor against meddling in that part of the world.

A few months ago, when a faint rumor reached Japan that the League may enforce Article XVI of the Covenant and that America may join hands with her in so doing, the more thoughtful of our people could not believe this possible; but those who did think this might be, instead of fearing the consequences, showed resentment in a way which indicated that an actual decree of sanctions would have brought about real war with China, in which case the Japanese fleet might even now be bombarding Chinese ports. Professor John Dewey was right when he said: "Japan is probably the only country in the world on whom such fear (i.e. fear of economic loss) would have the least deterrent effect"—and this, in spite of the fact that trade with China is so essential to her. Here again, I am not passing moral judgment; I am only re-

lating a fact. Certainly within the country itself there exist all shades of opinions from a mediaevalistic right to an extreme left; but when there is a threat or show of threat from outside, all differences merge into one compact nationalism. Thus, in the present imbroglio with China, liberal ideas in Japan would have exercised far more influence if the matter had been left to be settled between the two countries. The interference of a third party made confusion worse confounded, especially when there was a shadow of threat in the interference. The Liberals were not in favor of military operations in Manchuria; but when menace came from abroad, they turned against it in defence of their country's honor, giving up the pettier conflict with their militaristic fellow countrymen.

Japan is grieved to be called a violator of the Peace Pact. She maintains that she has acted within its provisions. She resorted to unpacific means not "as an instrument of national policy," but as an instrument of self-defense. The Japanese nation would be grieved to see the Pact rendered null and void. Even though it was not signed or ratified "in the name of the people," it had the endorsement of the people; and they will welcome the practical application of its principles as understood and accepted by them, but not as interpreted afterward, and that is no friendly attitude toward Manchukuo. They will even welcome its further elucidation and implementation in the future. In order to make it effective it must be interpreted in consonance not with its letter and legal notions but with facts and actual conditions, cultural and economic, as well as political and diplomatic. We cannot introduce a new order in diplomacy in utter disregard of other factors of national life. The strict observance of the Peace Pact will be possible only when China reaches a certain degree of political unity and renounces anti-foreign diplomacy as a means of national policy, or when Japan is allowed access to vital resources of her food and industrial supply, or when Russia shall be checked from further encroachment on Chinese soil.

That Manchukuo was established with the help of Japan, no one denies. It is a common experience of new countries to be founded with the help of others. The example of Panama is too recent to be forgotten. The Republic of Outer Mongolia is not yet ten years old. If one studies the events which led up to the establishment of the Nanking Government, one sees the help, material and immaterial, of Soviet Russia. It is argued that all these instances belong to the period prior to the new dispensation announced to the world by the Peace Pact. Does the new dispensation provide that if a new state is born, it must receive no help from a midwife? Certainly the assistance which the Japanese Army gave to Manchukuo was conspicuous, because it was not given clandestinely, as has often been the case under similar circumstances. The chaotic conditions under which the new state came into existence—namely, the sudden suspension of all authority, civil and military, in Manchuria, due to the flight of Chinese officials after the incident of September 18th—lend to it an appearance of being a mere puppet of the Japanese Army. I can very well understand how such things can be, because I have heard of similar instances in other places. Where similar conditions prevail, similar methods are adopted and similar results follow. Rarely is man original. East and West, under similar circumstances, he thinks and acts much the same, and will so continue to do.

There are wide regions not yet politically delimited. Central and South America and Africa will henceforth furnish many problems. Will Mr. Stimson's doctrine be applied to these peacefully and justly? If I am correctly informed, Mr. Stimson has renounced the application of the theory of non-recognition to Latin America. Is the theory right in one place and wrong in another? Trade considerations alone are sufficient to dictate and justify the policy of recognition. Manchukuo proclaims a policy of open door and equal opportunity. Its virgin resources invite the investment of American capital. Its increasing population opens a market for American produce. Trade should link more and more closely the nations of the earth.

If Mr. Stimson's idea should be carried out—and I hope it will not be, for the sake of his own country—will not the future historian regard his policy as another instance of the infamous interference which robbed Japan of her legitimate rights after her war with China? I know America well enough to believe that she will not follow the steps taken by Russia, France and Germany in 1895; but the logical application of Mr. Stimson's theory to Manchuria might well give rise to such criticism.

Japan must of course be prepared for the worst. She stands alone—a small country, face to face with China, Russia and America, three of the giant nations of the earth. Japan stands alone for her right to live—not for conquest, as is so often alleged, but for the preservation of that life with which God has endowed her. One may at least give her credit for her courage.

But what I fear most for China and ultimately for the world, in case Manchukuo fails of recognition, is this: Manchuria will then become a province of China, and between the provinces of China any sort of war is tolerated, be it the most bloody and devastating, by the League and by the United States. Manchuria will fall into the hands of a war-lord and he can indulge in warfare with impunity. When General Chiang dealt a blow upon the communists in Kiangsi, ten million people fled from that province, and 100,000 homes were destroyed. When General Feng quartered his armies in Shansi and Shensi, in 1931, five million people were starved to death. As an old saying is: "One warrior wins a name and ten thousand skulls whiten the field." In the last civil war, according to Lin Yu-tang, the casualties were twenty million in killed and wounded. Now, what has this to do with the recognition of Manchukuo?

Let there be a few zones in China where people can enjoy peace and security. Such zones are afforded by Shanghai, Tientsin and other treaty ports under foreign protection and—by Manchuria. Thanks to the presence of the Japanese Army,

this province has for many years been the only province where civil war did not penetrate. Banditry and maladministration there always were, but it was preserved from an attack by neighboring war-lords.

Let us not look at Manchuria as merely a law case. The present issue is too big for that. Look at it from the view point of a statesman, and from that of world politics. Lawyers may find satisfaction for their logic and idealists for their conscience, by adhering to the new interpretation of the Pact; but such intellectual satisfaction means the loss of millions of lives and hastens the disintegration of that mighty and venerable civilization which we call China, and the loss of China is a loss to the whole world. The salvation of China lies in her cooperation with Japan. Japan's future is bound up with that of China. It is Manchuria that links the two peoples together. Weak and disordered, Manchuria will fall an easy prey to Bolshevik Russia. I very much fear that Mr. Stimson's policy will end in making a present of Manchuria to Russia and creating in the Far East a perpetual storm center. In the name of humanity, then, let us exercise a little patience, study the Pact, implement it, make it practical and applicable to realities—so that the new dispensation may bring lasting peace to the Far East and to the world.

